REMARKS

The Examiner objected to the drawings "because FIG. 2 and FIG. 3 are missing labels to describe the boxes." Office Action at page 2. In response, applicants enclose herewith Replacement Sheets for these figures with inclusion of the allegedly missing labels.

Claims 1-3, 5-13, 15-20, 23-27, 29-36, 38-43, 46 and 47 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lee (U.S. Patent No. 5,504,805) in view of Matthews et al. (U.S. Patent No. 4,602,129). In response, applicants have amended claims 1, 8, 17, 25, 31 and 40.

The invention is directed to returning a telephone call in response to a received message. In accordance with the claimed invention, after an unsuccessful communication the caller (or calling party) unable to contact a called party stores a message for the called party and the caller's telephone number. The caller is also prompted to provide at least one preference concerning delivery of the message. For example, the caller may specify a preferred time range within which the message is to be delivered. One or more attempts are made to initiate a call to the called party in accordance with the preference, and when the called party is reached, the message is delivered to him/her. Once the message is received, the called party may generate a signal to call back the caller. Upon receipt of the signal, the caller's telephone number is retrieved from storage and a call is placed to the caller. Once the caller answers, the caller is connected to the called party.

Lee discloses a technique for calling number identification using speech recognition, e.g., in an answering machine at a called party's premises. The called party may command the machine to call the caller back using the telephone number, which was voice-recorded by the caller on the machine. *See* col. 5, line 3 *et seq.* of Lee.

Matthews discloses a telecommunications system for the deposit, storage and delivery of audio messages. In accordance with Matthews, a user dials into the system and selects a "deposit" option in order to broadcast a message to multiple recipients (col. 21, lines 4-20). The user then enters a voice message (col. 22, lines 12-19) and one or

more telephone numbers to which the message is to be delivered (col. 21, lines 4-10). The system subsequently calls each recipient and attempts to deliver the message (col. 23, lines 30-52).

The Examiner admitted that Lee, among others, does not teach or suggest "prompting the caller to provide at least one preference concerning delivery of the message ...." Office Action at p. 5. Nor does Matthews teach or suggest prompting the caller to provide a preference concerning delivery of the message "after [an] unsuccessful communication" between the caller and the called party, as amended claims 1 and 25 now recite. In Matthews the user "dials into the VMS to access the system" (col. 20, lines 34-41), and enters telephone numbers and maybe a preferred time for broadcasting an audio message to different recipients, with no attempt to contact them beforehand. By contrast, in accordance with the invention, only after a caller's attempt to contact a called party had failed, would the caller be prompted to provide a message, and one or more preferences concerning delivery of the message to the called party. Claims 8, 17, 31 and 40 include similar limitations to claims 1 and 25 discussed above.

Moreover, neither Lee nor Matthews teaches or suggests connecting a first connection "to a second connection through [a] communication network," as claims 1, 8, 25 and 31 recite, where the first connection is "established through [the] communication network" "in accordance with the preference to deliver the message therethrough to the called party," and where the second connection is made "to a communication device associated with" the callback number. Claims 17 and 40 include similar limitations. As such, claims 1, 8, 17, 25, 31 and 40, together with their dependent claims, are patentable over Lee in view of Matthews.

In addition, the Examiner rejected claims 4, 14, 21, 22, 28, 37, 44 and 45 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lee in view of Matthews et al., and in further view of Hammond. The Examiner admitted that both Lee and Matthews fail "to disclose an automatic number identifier [ANI]." Office Action at p. 7. However, according to the Examiner, "Hammond teaches the telephone number is derived from an

automatic number identifier." *Id.* The Examiner asserted that it would have been obvious to use an ANI in Lee.

Nontheless, applicants respectfully submit that use of an ANI in Lee in combination with the Matthews system would lead to an undesirable result, thereby militating against any motivation to combine them. In that combination, it is the Matthews VMS system, rather than a caller, which initiates calls to broadcast a message to one or more recipients. Supposing one of the recipients using the Lee answering machine does not answer the call from the VMS system, the Lee answering machine would record, along with the message, the ANI indicating the telephone number of the VMS system, in accordance with the Examiner's hypothetical combination. If the recipient subsequently causes the Lee answering machine to call back using the recorded ANI, the recipient would be connected to the VMS system, rather than the caller, which result is undesirable. As such, claims 4, 14, 22, 28, 37 and 46 are patentable over the cited references in their own right. Claims 22 and 45 are also patentable by virtue of their dependency from claims 17 and 40, which are patentable for the reasons set forth above.

In view of the foregoing, each of claims 1-47, as amended, is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully submitted,

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Enclosures